

STATE OF TEXAS
OFFICE OF THE GOVERNOR

GEORGE W. BUSH

February 5, 1998

GOVERNOR

Mr. Jerry Clifford
Acting Administrator, Region VI
Environmental Protection Agency
1445 Ross Avenue
Dallas, TX 75202-2733

Dear Mr. Clifford:

Enclosed is Texas' complete application for final authorization by you of our National Pollutant Discharge Elimination System (NPDES) program. The development of Texas' water quality program for NPDES implementation represents many years of effort by the Texas Natural Resource Conservation Commission and its predecessor agencies.

Last March, Ms. Jane Saginaw, Mr. Steve Herman and you met with me to address the Environmental Protection Agency's (EPA) delegation concerns. In opening the meeting, I noted that Texas had been frustrated by EPA's unwillingness to state the precise concerns we had to overcome in order to obtain delegation. I appreciated your identification during the meeting of EPA's three specific set of concerns and your subsequent commitment not to add any new ones.

Through hard work by all and revisions to our laws and rules, we now have resolved each of EPA's three concerns: audit privilege and immunity, public participation, and programmatic items required by federal law for delegation. Your 1997 exchange of letters with the TNRCC on the audit and public participation issues confirms that they have been resolved, and the TNRCC has fully responded to the programmatic issues that then-Regional Administrator Jane Saginaw outlined in her September 1996 letter to Mr. Dan Pearson.

Approval of this application will finally give Texas authority to administer its water quality program in lieu of the federal one and thus eliminate the inefficiencies of the current dual system. Texas has fulfilled its end of the agreement, so now I look forward to your expeditious approval of this application.

Sincerely,

GEORGE W. BUSH

GWB;jh
Enclosure

cc: Mr. Barry R. McBee, Chairman, Texas Natural Resource Conservation Commission

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